THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 5788 of 2007

Date:22-03-2007

Between:

B.Madhavi and antoher .. **PETITIONERS**

AND

The Inspector of Police, Bowenpally and three others

..

RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in disturbing the peaceful possession and enjoyment in an extent of 263 Sq.yards in Sy.Nos.61 and 63 bearing H.No.8-1-181 situate at Old Bowenplly, Secunderabad as illegal and arbitrary.

2. It is stated that the petitioners purchased the said land in the month of January, 2006 and since then they are in possession and enjoyment of the same by paying house tax. After giving paper publication, the petitioners purchased the said property. It is further stated that the respondent authorities are forcing the petitioners to vacate the said premises in spite of possessing relevant documents with them with regard to ownership and possession. It is stated that the respondents are interfering with their peaceful possession daily without any justification whatsoever. It is further stated that if there is any dispute in respect of the said property, it is for the affected parties to approach the civil Court for necessary remedy. I am not inclined to express any opinion with regard to the right, title or possession of the petitioners. Absolutely no reasons have been shown as to why the police authorities are interfering with the peaceful possession and enjoyment of the petitioners. No specific allegation has been made against any particular police personnel and only general averments have been made. Without making any representation to the Commissioner of Police with regard to the illegal action of the concerned station house officer, no writ of mandamus can be issued.

The writ petition is accordingly dismissed with liberty to make a representation before the concerned Commissioner of Police and on filing such representation, the same may be considered and disposed of in accordance with law. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:22.03.2007

NOTE:

Furnish C.C. within two days.

B/O

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